


FILED

FEB 27 2012


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JUDGE - Karen E. Schreier
CASE NO. - CR11-40077-01
COURTROOM #2

REPORTER - Jill Connelly
Date - 2/27/12
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CASE

USA

Plaintiff,

vs.

Antonio Ramone Guzman

Defendant.

COUNSEL

Amy Koopmann for John Haak

Tim Langley

COURTROOM DEPUTY: Colleen Schulte

TIME HEARING SCHEDULED TO BEGIN: 1:30 p.m.

TIME:

1:30 p.m. Enter sentencing before the Hon. Karen E. Schreier, Chief Judge, Sioux Falls. Counsel state their appearances for the record. Defendant is also present in court.

Mr. Langley reviewed the PSR with defendant. There was one request of the probation officer by Mr. Langley regarding a paragraph in the report. Discussion regarding same. Paragraph will be left as written.

Total Offense Level of 29; Criminal History Category of IV; guideline range of 121 to 151 months in custody; 5 years mandatory minimum; 5 years to life supervised release; not eligible for probation; \$15,000 to \$5 million fine; no restitution; \$100 special assessment. Discussion regarding mandatory minimum. Mandatory minimum should be 10 years to life. Counsel agree.

Court received and reviewed letters on defendant's behalf.

After defendant plead guilty the defendant wrote the Court a letter indicating his wish to withdraw plea of guilty and continue on with

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indictment and trial. Mr. Langley informs the Court defendants withdraws motion and wants to go ahead with sentencing today. Defendant confirms his withdrawal of the motion and wishes to continue with the sentencing today.

Mr. Langley makes statement to the Court re: sentencing and requests facility with RDAP and culinary program.

Defendant makes statement to the Court. Discussion between Court and defendant regarding offense.

Ms. Koopmann makes statement to the Court re: sentencing.

Court addresses defendant regarding history and charges.

Sentence: one hundred twenty-one (121) months imprisonment; Court recommends that, if eligible, defendant be allowed to participate in the Bureau of Prisons' 500-hour substance abuse treatment program under 18 U.S.C. § 3621(e) and, if successful, the term of incarceration be reduced accordingly; fine is not imposed; five (5) years supervised release with conditions.

\$100 special assessment due immediately.

Court recommends that defendant be placed in a facility where defendant can obtain his CDL license, welding certificate or degree in culinary arts, and as close to Wichita, Kansas, as possible.

Court advises parties of right to appeal.

Mr. Langley advises Court defendant's name Ramone is spelled wrong on pleadings, and moves that the "e" in middle name be struck. and reflect Antonio "Ramon" Guzman. Court grants motion.

2:20 p.m. Court in recess.